IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.3045 OF 200**5

Ashok Daulat Rajguru ..Petitioner

Vs.

Mumbai Port Trust & Anr...Respondents

Mr. Manish Mistry i/b. M/s.M.P. Vashi & Associates
for the petitioner
Mr. P.Ramaswamy i/b. Mulla & Mulla & C.B.C,. for
Respondent No.1.

CORAM: **F.I. REBELLO &**
ANOOP V. MOHTA**, JJ.**
DATE: 7TH NOVEMBER,2006

P.C.

. The petitioner was charged for the offence under Sections 498-A,306 and 304-B of I.P.C. By order dated 24th January, 2005 he was acquitted by giving him benefit of doubt. The respondents considering the seriousness of the charge and his arrest had suspended the petitioner with effect from 21st November, 1989. That suspension subsequent to the order of acquittal was revoked on 5th July, 2004.On 5th April, 2005 the Disciplinary Committee decided not to proceed with the enquiry considering the acquittal of the petitioner, but considering that the petitioner was given benefit of doubt passed the order to treat the period of suspension from 21st November, 1989 to 4th July, 2004 as suspension only.

It is this order which is the subject matter of the present challenge.

2. It is the contention of the petitioner that once he was acquitted the order dated 5th April, 2005 denying his wages for that period is arbitrary and/or without authority of law. It was open to the Authority considering the relevant service Rules to consider the period of suspension for the purpose of payment on taking a decision not to proceed with the enquiry. Considering that the petitioner was given benefit of doubt while acquitting him the Competent Authority decided to treat the period of suspension as suspension only. This was within the discretion of the Competent Authority. The order is not arbitrary or contrary to Rules. In the light of that no interference called for. Petition dismissed.

(F.I. REBELLO, J)

(ANOOP V. MOHTA J).